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Counsel for Defendant microDATA GIS, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

HUBB SYSTEMS, LLC,

Plaintiff,

v.

MICRODATA GIS, INC.,

Defendant.

) Case No. C07-02677 BZ

) **DECLARATION OF MARK GOOD IN**  
) **SUPPORT OF DEFENDANT MICRODATA**  
) **GIS, INC.'S EX PARTE MOTION TO**  
) **EXTEND THE HEARING DATE AND**  
) **BRIEFING SCHEDULE ON PLAINTIFF'S**  
) **MOTION FOR PRELIMINARY**  
) **INJUNCTION**

) Courtroom: G

) Magistrate Judge Bernard Zimmerman

I, Mark Good, declare as follows:

1. I am an associate of Terra Law LLP, attorneys for defendant microDATA GIS, Inc. ("microDATA") in the above captioned matter. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently testify thereto.

2. Plaintiff Hubb Systems, LLC knew of defendant microDATA GIS, Inc.'s use of the mark "microDATA 911" at least as early as January 3, 2007, based on the fact that counsel for plaintiff sent defendant microDATA a "cease and desist" letter on that date regarding

1 microDATA's use of the mark. A true and accurate copy of that letter is attached hereto as  
2 Exhibit A. (See also Plaintiff's Memorandum of Points and Authorities in Support of Motion for  
3 Preliminary Injunction, p. 3, line 25.)

4 3. On June 27, 2007, I called William Adams, counsel for plaintiff, and left a voice  
5 mail requesting that plaintiff stipulate to extend the time of the hearing and briefing schedule on  
6 plaintiff's motion for preliminary injunction to a time after the Court had ruled on microDATA's  
7 Motion to Dismiss. Mr. Adams returned my call the same day. He advised me that he had read  
8 my letter to the Court requesting that the time for hearing be extended, and that plaintiff did not  
9 intend to respond to that letter. I then asked if plaintiff would stipulate to a continuance of its  
10 motion for a preliminary injunction, and Mr. Adams told me that plaintiff would not so stipulate.

11 I declare under penalty of perjury under the laws of the State of California and the United  
12 States of America that the foregoing is true and correct and that this declaration is executed on  
13 June 29, 2007 at San Jose, California.

14  
15 /s/ Mark W. Good  
16 Mark W. Good  
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# **EXHIBIT A**



FITZGERALD ABBOTT & BEARDSLEY LLP  
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Mary Beth Trice  
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January 3, 2007

VIA FEDERAL EXPRESS

President  
microData GIS, Inc.  
1016 US Route 5  
St. Johnsbury, VT 05819

Re: Trade Name and Trademark Infringement

Dear Sir or Madam:

We represent Hubb Systems, LLC ("Hubb") of Alameda, California. For over twenty years, Hubb has been in the business of providing mobile computing solutions for public safety agencies and has used the trade name and trademark "DATA911" in connection with this business and the goods it sells since at least 1989. Hubb owns a federal trademark registration for "DATA911" in Class 9 on the Principal Register of the United States Patent and Trademark Office, Registration Number 2,546,009 (please see enclosed copy of U.S. Registration Certificate Number 2,546,009).

Your company ("microData") recently changed its trade name and trademark from "microData GIS" to "microDATA 911" and is using this mark to identify computer goods and services very similar to those sold by Hubb under its federally registered trademark. In connection with this re-branding, microData has also registered and is using "microdata911.com" as the URL for its Internet website.

This conduct by microData infringes the prior rights of Hubb in its trade name and federally registered trademark. Hubb strenuously objects to this infringement and demands that microData immediately discontinue any and all use of use of the name, trademark and URL "microDATA 911". Additionally, Hubb demands that microData assign to Hubb any registrations it owns for the URL "microdata911" in the ".com" domain and any other domains.

Please contact the undersigned as soon as possible to confirm that you will comply with these demands. If you do not respond by January 20 or if you refuse to cooperate with Hubb by taking all steps needed to rectify this infringement, Hubb will pursue legal action as needed to protect its rights.

President

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January 3, 2007

This letter is sent without prejudice to any rights, claims or remedies that Hubb may have, all of which are expressly reserved.

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By

A handwritten signature in black ink, appearing to read "Mary Beth Trice". The signature is written in a cursive, flowing style.

Mary Beth Trice

MBT:svr

Enclosure